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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) I331.102.101/2003P52601US	
I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax. No. (571) 273-8300		Application Number 10/706,438	Filed November 12, 2003
on <u>December 20, 2006</u>		First Named Inventor Torsten Partsch	
Signature <u>Mark Peterson</u>		Art Unit 2188	Examiner Michael B. McFadden
Typed or printed name <u>Mark A. Peterson</u>			
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the		<u>Mark Peterson</u>	
<input type="checkbox"/>	applicant/inventor.	Signature	
<input type="checkbox"/>	assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/98)	Mark A. Peterson	
<input checked="" type="checkbox"/>	attorney or agent of record. Registration number <u>50,485</u>	612 573-0120	
		Telephone number	
<input type="checkbox"/>	attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	December 20, 2006	
		Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input checked="" type="checkbox"/>	Total of <u>1</u> forms are submitted.		

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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DEC 20 2006**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Torsten Partsch	Examiner:	Michael B. McFadden
Serial No.:	10/706,438	Group Art Unit:	2188
Filed:	November 12, 2003	Docket No.:	I331.102.101/2003P52601US
Title:	RANDOM ACCESS MEMORY WITH OPTIONAL COLUMN ADDRESS STROBE LATENCY OF ONE		

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Please consider the following remarks during the Pre-Appeal Brief Conference. As these remarks outline a clear legal or factual deficiency in the rejections, Applicant submits that the Pre-Appeal Brief Request for Review is appropriate.

Claim Rejections under 35 U.S.C. § 102

The Examiner rejected claims 1-3, 17, 18, and 31 under 35 U.S.C. § 102(b) as being anticipated by Usami, U.S. Patent No. 6,205,516 ("Usami").

Applicant submits that Usami fails to teach or suggest the invention recited by independent claim 1 including a **bypass circuit configured to receive the data from the array of memory cells and to bypass the memory; and a circuit configured to select between receiving the data from the memory to provide first output signals and receiving the data from the bypass circuit to provide second output signals based on a column address strobe latency select signal.**

Usami discloses that each SDRAM includes a DRAM core 37. The DRAM core 37 is constructed from a plurality of banks. The SDRAM further includes a clock buffer 30, a command decoder 31, an address buffer/register and bank select 32, a pair of control signal latches 34, a mode register 35, a pair of column address counters 36, and an I/O data buffer/register 33. (Col. 7, line 64 - col. 8, line 3). The I/O data buffer/register 33 serves as a buffer circuit or register circuit for temporarily storing data to be written to the DRAM core 37 or for temporarily storing data read from the DRAM core 37. The I/O data buffer/register

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33 is connected to the corresponding data bus "I/O data DQ0-DQ3" that is connected to the CPU 1. (Col. 9, lines 62 - col. 10, line 1).

The Examiner submits "SDRAM is inherently created from a memory array, a memory configured to receive data from the array, a bypass circuit, and a circuit that will select the programmed mode. Figure 4 shows that depending on the contents of the CAS Latency bits A4, A5, and A6 the CL (CAS latency) will vary accordingly as described in Claims 2 and 3." (Final Office Action, page 3). The Examiner also submits in the Response to Arguments "Usami teaches varying CAS Latencies (CLs). Cache Latencies are varied by changing the number of pipeline stages in the cache. A CL of one means that a cache has one pipeline stage, a CL of two means two pipeline stages, and so on. Therefore, in providing multiple CLs Usami inherently teaches bypassing one or more pipeline stages based on setting of the CAS Latency bits. In bypassing a pipeline stage, a bypass circuit and a circuit configured to select between receiving data are inherent." (Final Office Action, pages 5-6).

Applicant submits that it is not inherent in Usami that a bypass circuit is used as recited in claim 1. As the Federal Circuit has stated, "[i]nherent anticipation requires that the missing descriptive material is 'necessarily present,' not merely probably or possibly present, in the prior art." *Trintec Indus., v. Top-U.S.A. Corp.*, 63 USPQ2d 1597, 1599 (Fed. Cir. 2002) (quoting *In re Robertson*, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999)). Since varying the CAS latency in Usami could be performed without utilizing a bypass circuit as recited in claim 1, the limitations of claim 1 are not inherent in Usami as submitted by the Examiner. In addition, there is not a single reference to a cache memory including pipeline stages in Usami.

Figures 2 and 4 and the associated text of Usami do not disclose a bypass circuit or a circuit configured to select between receiving the data from the memory array to provide first output signals and receiving the data from the bypass circuit to provide second output signals based on a column address strobe latency select signal as recited in independent claim 1. In contrast, Usami merely discloses an I/O data buffer/register 33 for receiving data from the DRAM core 37 or writing data to the DRAM core 37. Nowhere in the text or figures does Usami disclose a bypass circuit for routing the data around I/O data buffer/register 33 based on a column address strobe latency select signal. There is also no teaching or suggestion that

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I/O data buffer/register 33 includes pipeline stages. Even if I/O data buffer/register 33 did include pipeline stages, I/O data buffer/register 33 does not receive a CAS latency select signal for selecting a pipeline stage. The CAS latency select signal is only provided to column address counter 36.

The mode register 35 is for extracting operation mode information, such as the CAS latency, the burst type, and the burst length, from the address data A0-A11 when the mode register 35 receives the address data A0-A11 in correspondence with a predetermined "mode register set" command that is received from the command decoder 31. Mode register 35 supplies each column address counter 36 with a control signal designating the burst length, the burst type, and the CAS latency, thereby controlling count up timing and count up number of the column address counter 36. (Col. 9, lines 45-62). Therefore, Usami discloses controlling the CAS latency based on controlling the column address counter 36, not by using a bypass circuit as recited in claim 1.

In view of the above, Applicant respectfully submits that the above rejection of independent claim 1 under 35 U.S.C. § 102(b) should be withdrawn. Dependent claims 2 and 3 further define patentably distinct independent claim 1. Accordingly, Applicant believes these dependent claims are also allowable over the cited reference. Allowance of claims 1-3 is respectfully requested.

For the same reasons as discussed above with reference to claim 1, Usami fails to teach or suggest the invention recited by independent claim 17 including **a bypass circuit that bypasses the first in/first out memory; and a control circuit configured to provide first signals and second signals, wherein the first signals latch data from the first in/first out memory to provide a column address strobe latency of greater than one and the second signals latch data from the bypass circuit to provide a column address strobe latency of one.**

In view of the above, Applicant respectfully submits that the above rejection of independent claim 17 under 35 U.S.C. § 102(b) should be withdrawn. Dependent claim 18 further defines patentably distinct independent claim 17. Accordingly, Applicant believes this dependent claim is also allowable over the cited reference. Allowance of claims 17 and 18 is respectfully requested.

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For the same reasons as discussed above with reference to claim 1, Usami fails to teach or suggest the invention recited by independent claim 31 including means for receiving the data read from the array of memory cells to bypass the means for storing data; means for retrieving the data from the means for storing the data if column address strobe latency is greater than one; means for retrieving the data from the means for receiving the data if the column address strobe latency is one.

In view of the above, Applicant respectfully submits that the above rejection of independent claim 31 under 35 U.S.C. § 102(b) should be withdrawn. Allowance of claim 31 is respectfully requested.

Claim Rejections under 35 U.S.C. § 103

The Examiner rejected claims 4-16, 19-30, and 32-38 under 35 U.S.C. § 103(a) as being unpatentable over Usami.

Dependent claims 4-16, 19-24, and 32-38 further define patentably distinct independent claim 1, 17, or 31. Accordingly, Applicant believes these dependent claims are also allowable over the cited reference. Allowance of claims 4-16, 19-24, and 32-38 is respectfully requested.

In addition, Usami fails to teach or suggest wherein the circuit comprises a multiplexer configured to select between serialized data from the first circuit and serialized data from the second circuit based on the column address strobe latency select signal as recited by dependent claim 8. There is no teaching or suggestion in Usami of a multiplexer, let alone a multiplexer configured to select between data from the first circuit and data from the second circuit based on the CAS latency select signal.

For the same reasons as discussed above with reference to claims 1 and 8, Usami fails to teach or suggest the invention recited by independent claim 25 including a bypass circuit configured to bypass the memory circuit; a first rise/fall circuit configured to receive data from the memory circuit to provide a first output signal; a second rise/fall circuit configured to receive data from the bypass circuit to provide a second output signal; and a multiplexer configured to select between the first output signal and the second output signal based on a column address strobe latency select signal.

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In view of the above, Applicant respectfully submits that the above rejection of independent claim 25 under 35 U.S.C. § 103(a) should be withdrawn. Dependent claims 26-30 further define patentably distinct independent claim 25. Accordingly, Applicant submits that these dependent claims are also allowable over the cited reference. Allowance of claims 25-30 is respectfully requested.

CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-38 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Request should be directed to Mark A. Peterson at Telephone No. (612) 573-0120, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

Torsten Partsch,

By his attorneys,

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300 on this 20th day of December, 2006.

By Mark Peterson
Name: Mark A. Peterson